

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NORTHWEST PIPE COMPANY, a
Washington corporation,

Plaintiff,

v.

THE PHOENIX INSURANCE COMPANY, a
foreign insurer authorized by the Washington
insurance commissioner, TRAVELERS
PROPERTY CASUALTY COMPANY OF
AMERICA, a foreign insurer authorized by the
Washington insurance commissioner, and
ALLIED WORLD NATIONAL
ASSURANCE COMPANY, a foreign insurer
authorized by the Washington insurance
commissioner,

Defendants.

Case No.: 21-5652 BHS

**STIPULATED MOTION AND ORDER
REGARDING EXTENSION OF
DEADLINE FOR SETTLEMENT AND
DISMISSAL**

I. STIPULATED MOTION

On April 22, 2022, Plaintiff Northwest Pipe Company and Defendants Travelers Property Casualty Company of America, The Phoenix Insurance Company, and Allied World National Assurance Company (collectively, the “Parties”), by and through their respective undersigned counsel of record, filed a Notice of Conditional Settlement (the “Notice”), notifying this Court that any and all claims against all Parties in this action have been conditionally resolved through settlement. As explained in the Notice, settlement of this

1 insurance coverage action is conditioned upon full and final settlement of the underlying action
2 captioned *Minako America Corporation v. County of Los Angeles, et al.*, Riverside County
3 Superior Court Case No. RIC1816838 (the “Underlying Action”), which requires approval by
4 local governmental authorities, as well as the execution of a formal settlement agreement and
5 mutual release resolving this insurance coverage action. This Court acknowledged the Notice
6 and set a deadline of October 19, 2022 for the filing of dismissal papers. On October 13, 2022,
7 the Parties filed a Stipulated Motion Re Status Report and Proposed Order Re Settlement and
8 Dismissal. (Dkt. 31.) That Stipulated Motion explained that the process of finalizing the
9 Underlying Action settlement agreement was taking longer than expected, and requested an
10 extension of the deadline for the filing of dismissal papers in this action, to February 3, 2023.
11 On October 13, 2023, this Court granted the Stipulated Motion, extending the deadline for the
12 submission of dismissal papers to February 3, 2023. (Dkt. 32.) On January 18, 2023, the Parties
13 filed a Second Stipulated Motion, seeking a further extension of the deadline for the filing of
14 dismissal papers in this action, due to the length of time it was taking to complete the process
15 of documenting and approving the Underlying Action settlement. (Dkt. 33.) On January 19,
16 2023, this Court granted the Second Stipulated Motion, extending the deadline for the
17 submission of dismissal papers to May 4, 2023. (Dkt. 34.) On April 25, 2023, the Parties filed
18 a Third Stipulated Motion, seeking a further extension of the deadline for the filing of dismissal
19 papers in this action. (Dkt. 35.) On April 27, 2023, this Court granted the Third Stipulated
20 Motion, extending the deadline for the submission of dismissal papers to September 1, 2023.
21 (Dkt. 36.)

22 The Parties, by and through their respective undersigned counsel of record, now hereby
23 stipulate and agree that this Court should extend by an additional 45 days the dismissal deadline
24 currently in place in this action, to October 16, 2023 to facilitate finalization of the Underlying
25 Action settlement, as well as settlement of this action.

26 The Underlying Action settlement required approval from the Los Angeles County

Board of Supervisors (the “Board”). The Underlying Action settlement agreements were approved by the Board on June 27, 2023, and were fully executed as of July 21, 2023. While most parties have delivered the settlement payments contemplated by the Underlying Action settlement agreements, one payment remains outstanding, along with certain non-monetary contingencies that are awaiting completion. (See **Exhibit A**: Decl. of Christopher M. Pisano Regarding Order to Show Cause Hearing re Settlement; Request for One Final Continuance, filed in the Underlying Action on August 24, 2023.) Once these remaining contingencies are satisfied, the parties to the Underlying Action will be filing a stipulation for dismissal with prejudice of the Underlying Action. Entry of the Underlying Action dismissal is anticipated to occur on or before October 2, 2023.

To save the Parties to this action the time and expense of meeting deadlines in this action while awaiting the Underlying Action dismissal, the Parties request a further 45-day extension – until Monday, October 16, 2023. The Parties agree that good cause exists for this short extension of the dismissal deadline, and that the extension will promote the interests of judicial economy. The Parties to this action further agree to jointly notify this Court within fourteen (14) calendar days of the dismissal with prejudice of the Underlying Action, and will jointly move for dismissal of this coverage action at such time.

Respectfully submitted this 30th day of August, 2023.

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II. ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.

Dated this 30th day of August, 2023.



BENJAMIN H. SETTLE
United States District Judge

Jointly Presented by:

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